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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,593	10/16/2003	Jonas J. Robertson	C2ABU014.14	5114
7590 02/23/2005				
Merek, Blackmon & Voorhees, LLC				
673 S. Washington St.				
Alexandria, VA 22314				
			EXAMINER	
			HAN, JASON	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/685,593	<b>Applicant(s)</b> ROBERTSON ET AL.	
	<b>Examiner</b> Jason M Han	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 1,10,11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Non-Patent Literature</u> .            |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - a. Page 4, Paragraph 4, Line 5: Typographical error – “alight source”;
  - b. Page 7, Paragraph 18, Lines 7-8: Grammatical error – not a complete sentence – lacking a verb;Appropriate correction is required.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: In line 3 of the claim, please elucidate with respect to “said cover plate” – the examiner has assumed and suggests the limitation, “providing a translucent plate having an LED”. Appropriate correction is required.
3. Claims 10, 11, and 13 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The terms “translucent” and “transparent” are considered synonymous terms within the art, which is a recited limitation in Claim 1.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soules (U.S. Patent 6423900) in view of Yokota et al. (U.S. Patent 5552907).
6. With regards to Claim 1, Soules discloses an active cover plate providing:
- an outer surface [Figures 8: (44)];
  - an inner surface [Figures 8: (44)];
  - a translucent cover/plate [Column 2, Lines 55-59] having an LED [Figures 8: (56)]; and
  - a step down transformer circuit for converting power from an electrical component to the LED [Figure 10; Column 9, Lines 5-25].

Soules does not specifically teach the inner surface of the cover plate providing a reflective surface (re: Claim 1).

Yokota teaches, "For the reflector plate 34, any plate can be used without limitation as long as it functions to block and reflect a light, such as a resin plate with a white pigment blended into it, a foamed resin plate, a resin plate with a metal vapor coating or a metal plate. The reflector plate 34 is placed on the non-emanating side of the light guiding plate 32, and is in contact with the printed dot pattern 31 of the light guiding plate 32 [Column 10, Lines 52-59; underlines added by examiner for emphasis]."

It would have been obvious to modify the cover plate of Soules to incorporate the reflective surface, as taught by Yokota, in order to provide an efficient and uniform illumination throughout the plate, wherein a loss of light is less likely to occur.

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7. With regards to Claim 2, Soules in view of Yokota discloses the claimed invention as cited above. In addition, Soules [Column 12, Lines 14-22] teaches an LED being multicolored. Such multicolored light emitting diodes are commonly known and seen within the art.

8. With regards to Claim 3, Soules in view of Yokota discloses the claimed invention as cited above. In addition, Yokota [Column 12, Lines 47-50] teaches a light guide plate being made of acrylic.

9. With regards to Claim 4, Soules in view of Yokota discloses the claimed invention as cited above. In addition, both Soules [Column 5, Lines 25-27] and Yokota [Column 18, Lines 15-21] teach a plate being made of polycarbonate.

10. With regard to Claims 3-4, it also would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the cover plate out of acrylic or polycarbonate, since it has been held to be within general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. In this case, both acrylic and polycarbonate materials are suitable for durability, transparency or opaqueness (depending on mixture), and accessibility.

11. With regard to Claims 5-6, Soules in view of Yokota discloses the claimed invention as cited above. In addition, Yokota teaches, "For the reflector plate 34, any plate can be used without limitation as long as it functions to block and reflect a light (re: **Claim 6**), such as a resin plate with a white pigment blended into it, a foamed resin plate, a resin plate with a metal vapor coating or metal plate (re: **Claim 5**). The reflector

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plate 34 is placed on the non-emanating side of the light guiding plate 32, and is in contact with the printed dot pattern 31 of the light guiding plate 32 [Column 10, Lines 52-59; underlines and highlight added by examiner for emphasis].”

12. With regard to Claims 7-9, Soules in view of Yokota discloses the claimed invention as cited above. In addition, Soules teaches the cover plate including a switch and control [Column 11, Line 44 – Column 12, Line 62].

13. With regard to Claims 10-11 and 13, Soules in view of Yokota discloses the claimed invention as cited above. In addition, both Soules [Column 2, Lines 55-59] and Yokota [Column 2, Line 20] teach a translucent or transparent cover/plate.

14. With regards to Claim 12, Soules in view of Yokota discloses the claimed invention as cited above, except for the LED being a white 1.2W light emitting diode. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the 1.2W white LED, since it has been held to be within general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. In this case, it is commonly known within the art that selection of color and power of an LED is a matter of engineering decision. The examiner makes reference to the non-patent literature cited below.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The following references are cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 4617613 to Rice;

US Patent 4774641 to Rice;

US Patent 5473517 to Blackman;

US Patent 5485356 to Nguyen;

US Patent 6172301 to Goodsell;

US Patent 6350039 to Lee;

US Patent 6431719 to Lau et al;

US Patent 6547411 to Dornbusch;

US Patent 6578980 to Chen et al;

US Patent 6648496 to Elghoroury et al;

US Patent 6808283 to Tsao;

Non-Patent Literature: <http://ledmuseum.home.att.net/agilent.htm>.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (2/9/2005)

A handwritten signature in black ink, appearing to read 'JAW', is positioned above the printed name.

**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**